

REMARKS

This application has been reviewed in light of the Office Action dated February 26, 2004. Claims 1-53 are pending in this application. Claims 1, 15, 23, 27, 31, 32, 34-36, 38, 39, 41-43, 45, 46, 48, and 52 have been amended to define still more clearly what Applicant regards as his invention. Claims 1, 15, 23, 27, 31, 38, 45, and 52 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1-36, 38-43, 45-48 and 50-51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,271,525 (Majewski et al.); rejected Claims 37, 44, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Majewski et al.; and rejected Claims 52 and 53 as being unpatentable over Majewski et al. in view of U.S. Patent 5,128,769 (Arai et al.). Applicant respectfully traverses these rejections.

Applicant submits that amended independent Claims 1, 15, 23, 27, 31, 38, 45, and 52, together with the remaining claims dependent thereon, are patentably distinct from the cited art at least for the following reasons.

The aspect of the present invention set forth in Claim 1 is an image pick-up apparatus that includes a wavelength converter for converting an incident radiation to a light having a wavelength detectable by a photoelectric conversion element on a sensor substrate on which plural photoelectric conversion elements and plural switching elements are deposited. The wavelength converter is deposited on a flattening layer. In addition, the plural photoelectric conversion elements, the plural switching elements, and the flattening layer are situated between the sensor substrate and wavelength converter. Support in the specification for the latter feature can be found at least from page 10, line 10, to page 12,

line 17, with reference to Figures 3A and 3B. (It is to be understood, of course, that the scope of the claims is not limited to the details of this embodiment.)

Majewski et al., as understood by Applicant, relates to a mini-gamma camera, camera system, and method of use. The Office Action states at page 3 that Majewski et al. discloses in Figures 1-4 an image pick-up apparatus having the features recited in Claim 1. Applicant submits that nothing has been found in these figures, or any other sections of the specification, that would teach or suggest an image pickup apparatus that includes plural photoelectric conversion elements, plural switching elements, and a flattening layer that are situated between the sensor substrate and wavelength converter, as recited in Claim 1. Accordingly, Applicant submits that at least for this reason, Claim 1 is patentable over the cited prior art.

Independent Claims 15, 23, 27, 31, 38, 45, and 52 include the same feature of plural photoelectric conversion elements, the plural switching elements, and a flattening layer being situated between a sensor substrate and wavelength converter, as discussed above in connection with Claim 1. Accordingly, Claims 15, 23, 27, 31, 38, 45, and 52 are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and the allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Peter G. Thynas
Attorney for Applicant

Registration No. 47,138

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 429997v1